

## PATENT COOPERATION TREATY

PCT

NOTIFICATION CONCERNING  
SUBMISSION OR TRANSMITTAL  
OF PRIORITY DOCUMENT

(PCT Administrative Instructions, Section 411)

From the INTERNATIONAL BUREAU

To:

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Date of mailing (day/month/year) 16 March 2001 (16.03.01)	
Applicant's or agent's file reference ND00016PCT	IMPORTANT NOTIFICATION
International application No. PCT/JP00/09314	International filing date (day/month/year) 27 December 2000 (27.12.00)
International publication date (day/month/year) Not yet published	Priority date (day/month/year) 28 December 1999 (28.12.99)
Applicant NTT DOCOMO, INC. et al	

1. The applicant is hereby notified of the date of receipt (except where the letters "NR" appear in the right-hand column) by the International Bureau of the priority document(s) relating to the earlier application(s) indicated below. Unless otherwise indicated by an asterisk appearing next to a date of receipt, or by the letters "NR", in the right-hand column, the priority document concerned was submitted or transmitted to the International Bureau in compliance with Rule 17.1(a) or (b).
2. This updates and replaces any previously issued notification concerning submission or transmittal of priority documents.
3. An asterisk(\*) appearing next to a date of receipt, in the right-hand column, denotes a priority document submitted or transmitted to the International Bureau but not in compliance with Rule 17.1(a) or (b). In such a case, **the attention of the applicant is directed to Rule 17.1(c)** which provides that no designated Office may disregard the priority claim concerned before giving the applicant an opportunity, upon entry into the national phase, to furnish the priority document within a time limit which is reasonable under the circumstances.
4. The letters "NR" appearing in the right-hand column denote a priority document which was not received by the International Bureau or which the applicant did not request the receiving Office to prepare and transmit to the International Bureau, as provided by Rule 17.1(a) or (b), respectively. In such a case, **the attention of the applicant is directed to Rule 17.1(c)** which provides that no designated Office may disregard the priority claim concerned before giving the applicant an opportunity, upon entry into the national phase, to furnish the priority document within a time limit which is reasonable under the circumstances.

<u>Priority date</u>	<u>Priority application No.</u>	<u>Country or regional Office or PCT receiving Office</u>	<u>Date of receipt of priority document</u>
28 Dec 1999 (28.12.99)	11/375800	JP	23 Febr 2001 (23.02.01)
20 Nov 2000 (20.11.00)	2000/353524	JP	02 Marc 2001 (02.03.01)

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## INTERNATIONAL SEARCH REPORT

International application No.

PCT/JP00/09314

## A. CLASSIFICATION OF SUBJECT MATTER

Int.Cl<sup>7</sup> H04Q 7/38

According to International Patent Classification (IPC) or to both national classification and IPC

## B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

Int.Cl<sup>7</sup> H04Q 7/00 - 7/38Int.Cl<sup>7</sup> H04B 7/24 - 7/26

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Jitsuyo Shinan Koho 1922-1996 Toroku Jitsuyo Shinan Koho 1994-2001

Kokai Jitsuyo Shinan Koho 1971-2001 Jitsuyo Shinan Toroku Koho 1966-2001

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)

## C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	JP, 11-69431, A (Mitsubishi Electric Corporation), 09 March, 1999 (09.03.99) (Family: none)	1-9, 22-30
X	JP, 10-51836, A (NEC Corporation), 20 February, 1998 (20.02.98) (Family: none)	10-21, 31-42
X	JP, 5-41690, A (Fujitsu Limited), 19 February, 1993 (19.02.93) (Family: none)	10-21, 31-42
A	JP, 5-292012, A (NEC Corporation), 05 November, 1993 (05.11.93) & GB, 2266030, A & US, 5454026, A	1-9, 22-30

☐ Further documents are listed in the continuation of Box C.☐ See patent family annex.

\* Special categories of cited documents:

"A" document defining the general state of the art which is not considered to be of particular relevance

"E" earlier document but published on or after the international filing date

"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)

"O" document referring to an oral disclosure, use, exhibition or other means

"P" document published prior to the international filing date but later than the priority date claimed

"I" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art

"&amp;" document member of the same patent family

Date of the actual completion of the international search  
03 April, 2001 (03.04.01)Date of mailing of the international search report  
17 April, 2001 (17.04.01)Name and mailing address of the ISA/  
Japanese Patent Office

Authorized officer

Facsimile No.

Telephone No.

## 国際調査報告

(法 8 条、法施行規則第 40、41 条)  
〔PCT 18 条、PCT 規則 43、44〕

出願人又は代理人 の書類記号 ND00016PCT	今後の手続きについては、国際調査報告の送付通知様式(PCT/ISA/220)及び下記 5 を参照すること。		
国際出願番号 PCT/JP00/09314	国際出願日 (日.月.年) 27.12.00	優先日 (日.月.年) 28.12.99	
出願人 (氏名又は名称) 株式会社エヌ・ティ・ティ・ドコモ			

国際調査機関が作成したこの国際調査報告を法施行規則第 41 条 (PCT 18 条) の規定に従い出願人に送付する。  
この写しは国際事務局にも送付される。

この国際調査報告は、全部で 3 ページである。

☐ この調査報告に引用された先行技術文献の写しも添付されている。

## 1. 国際調査報告の基礎

a. 言語は、下記に示す場合を除くほか、この国際出願がされたものに基づき国際調査を行った。

☐ この国際調査機関に提出された国際出願の翻訳文に基づき国際調査を行った。

b. この国際出願は、ヌクレオチド又はアミノ酸配列を含んでおり、次の配列表に基づき国際調査を行った。

☐ この国際出願に含まれる書面による配列表

☐ この国際出願と共に提出されたフレキシブルディスクによる配列表

☐ 出願後に、この国際調査機関に提出された書面による配列表

☐ 出願後に、この国際調査機関に提出されたフレキシブルディスクによる配列表

☐ 出願後に提出した書面による配列表が出願時における国際出願の開示の範囲を超える事項を含まない旨の陳述書の提出があった。

☐ 書面による配列表に記載した配列とフレキシブルディスクによる配列表に記載した配列が同一である旨の陳述書の提出があった。

2. ☐ 請求の範囲の一部の調査ができない (第 I 欄参照)。

3. ☐ 発明の単一性が欠如している (第 II 欄参照)。

4. 発明の名称は ☒ 出願人が提出したものを承認する。

☐ 次に示すように国際調査機関が作成した。

5. 要約は ☒ 出願人が提出したものを承認する。

☐ 第 III 欄に示されているように、法施行規則第 47 条 (PCT 規則 38.2(b)) の規定により国際調査機関が作成した。出願人は、この国際調査報告の発送の日から 1 カ月以内にこの国際調査機関に意見を提出することができる。

6. 要約書とともに公表される図は、

第 1 図とする。 ☐ 出願人が示したとおりである。

☐ なし

☒ 出願人は図を示さなかった。

☐ 本図は発明の特徴を一層よく表している。

## A. 発明の属する分野の分類 (国際特許分類 (IPC))

Int. Cl.<sup>7</sup> H04Q 7/38

## B. 調査を行った分野

## 調査を行った最小限資料 (国際特許分類 (IPC))

Int. Cl.<sup>7</sup> H04Q 7/00 - 7/38Int. Cl.<sup>7</sup> H04B 7/24 - 7/26

## 最小限資料以外の資料で調査を行った分野に含まれるもの

日本国実用新案公報 1922-1996年

日本国公開実用新案公報 1971-2001年

日本国登録実用新案公報 1994-2001年

日本国実用新案登録公報 1966-2001年

## 国際調査で使用した電子データベース (データベースの名称、調査に使用した用語)

## C. 関連すると認められる文献

引用文献の カテゴリー*	引用文献名 及び一部の箇所が関連するときは、その関連する箇所の表示	関連する 請求の範囲の番号
A	JP, 11-69431, A (三菱電機株式会社) 9. 3月. 1999 (09. 03. 99), (ファミリーなし)	1-9, 22-30
X	JP, 10-51836, A (日本電気株式会社) 20. 2月. 1998 (20. 02. 98), (ファミリーなし)	10-21, 31-42
X	JP, 5-41690, A (富士通株式会社) 19. 2月. 1993 (19. 02. 93), (ファミリーなし)	10-21, 31-42

☒ C欄の続きにも文献が列挙されている。☐ パテントファミリーに関する別紙を参照。

## \* 引用文献のカテゴリー

「A」 特に関連のある文献ではなく、一般的技術水準を示すもの

「E」 国際出願日前の出願または特許であるが、国際出願日以後に公表されたもの

「L」 優先権主張に疑義を提起する文献又は他の文献の発行日若しくは他の特別な理由を確立するために引用する文献 (理由を付す)

「O」 口頭による開示、使用、展示等に言及する文献

「P」 国際出願日前で、かつ優先権の主張の基礎となる出願

の日の後に公表された文献

「T」 国際出願日又は優先日後に公表された文献であって出願と矛盾するものではなく、発明の原理又は理論の理解のために引用するもの

「X」 特に関連のある文献であって、当該文献のみで発明の新規性又は進歩性がないと考えられるもの

「Y」 特に関連のある文献であって、当該文献と他の1以上の文献との、当業者にとって自明である組合せによって進歩性がないと考えられるもの

「&amp;」 同一パテントファミリー文献

国際調査を完了した日

03. 04. 01

国際調査報告の発送日

17.04.01

国際調査機関の名称及びあて先

日本国特許庁 (ISA/JP)

郵便番号 100-8915

東京都千代田区霞が関三丁目4番3号

特許庁審査官 (権限のある職員)

青木 健



5 J 9571

電話番号 03-3581-1101 内線 6449

## C (続き) . 関連すると認められる文献

引用文献の カテゴリー*	引用文献名 及び一部の箇所が関連するときは、その関連する箇所の表示	関連する 請求の範囲の番号
A	J P, 5-292012, A (日本電気株式会社) 5. 11月. 1 993 (05. 11. 93) & GB, 2266030, A & US, 5454026, A	1-9, 22-30



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Application No. 00 985 943.0 - 2416	Ref. AER/P24876EP	Date 24.02.2004
Applicant NTT DoCoMo, Inc.		

**Communication pursuant to Article 96(2) EPC**

The examination of the above-identified application has revealed that it does not meet the requirements of the European Patent Convention for the reasons enclosed herewith. If the deficiencies indicated are not rectified the application may be refused pursuant to Article 97(1) EPC.

You are invited to file your observations and insofar as the deficiencies are such as to be rectifiable, to correct the indicated deficiencies within a period

**of 4 months**

from the notification of this communication, this period being computed in accordance with Rules 78(2) and 83(2) and (4) EPC.

One set of amendments to the description, claims and drawings is to be filed within the said period on separate sheets (Rule 36(1) EPC).

**Failure to comply with this invitation in due time will result in the application being deemed to be withdrawn (Article 96(3) EPC).**



FANTACONE V  
Primary Examiner  
for the Examining Division

Enclosure(s): 9 page/s reasons (Form 2906)  
Document cited by the examiner: US-A-5 542 093, WO-A-98/49858



The examination is being carried out on the **following application documents**:

Text for the Contracting States:

AT BE CH LI CY DE DK ES FI FR GB GR IE IT LU MC NL PT SE TR

**Description, pages:**

1-58 as originally filed

**Claims, No.:**

1-42 as originally filed

**Drawings, sheets:**

1/20-20/20 as originally filed

1. The following documents (D) are referred to in this communication; the numbering will be adhered to in the rest of the procedure:

*FILED 11-7-01* - D1: US 5 454 026

*FILED 4-4-03* - D2: WO-A-99/51052

The following documents are cited by the examiner (see the Guidelines, C-VI, 8.9). Copies of the documents are annexed to the communication and the numbering will be adhered to in the rest of the procedure:

D3: US 5 542 093

D4: WO-A-98/49858

2. The application lacks unity within the meaning of Article 82 EPC for the following reasons:

The common features of independent **claims 1, 2, 10, 22, 23 and 31** are the following:

a handover control that switches a radio base station serving as a communicating counterpart of a mobile station based on a traffic congestion condition.



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Date 24.02.2004

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Feuille 2

Anmelde-Nr.:  
Application No.: 00 985 943.0  
Demande n°:

This common feature is not new, in view of the disclosure of document **D1** (see abstract; "base station", "mobile station", "comparing means" and "selecting means" in column 1, lines 33-53; column 5, lines 24-30; Time  $T_1$  in the table on column 5; figure 1; congestion monitor unit 35 in figure 2).

Hence the Examining Division considers that the following separate inventions or group of inventions are not so linked as to form a single general inventive concept (see EPO Guidelines, C-III, 7.6):

1. **Claims 1, 2, 22, 23:** a handover control method and system comprising the step/means of/for detecting whether a base station becomes incapable of communicating with a minimum bandwidth.
2. **Claims 10, 31:** a handover control method and system comprising the step/means of/for selecting a combination of a mobile station that communicates with said radio base station and one or more radio base stations with which said mobile station can communicate according to a predetermined standard.

Since it is not clear on which group of inventions the further prosecution of the application should be based, no full examination can be carried out. The Applicant is asked to state upon which invention or group of inventions further prosecution of the application should be based and to limit the application accordingly. The other groups of inventions are to be excised from the claims, description and drawings if any.

3. The subject-matter to be excised may be made the subject of one or more divisional applications. The divisional applications must be filed directly at the European Patent Office in Munich or its branch at The Hague and in the language of the proceedings relating to the present application, cf. Article 76 (1) and Rule 4 EPC. The time limit for filing divisional applications (Rule 25 (1) EPC) must be observed.





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Application No.:  
Demande n°:  
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4. **Claim 1, 2, 4 to 6, 9 and 22, 23, 25 to 27** are not clear, Article 84 EPC, for the following reasons:
- 4.1 The wording of the feature "...radio base station **become** incapable of communication **while** a predetermined minimum bandwidth secured;..." in **claim 1 and 2** is **not** clear since it does not allow a consistent understanding of the feature. The feature could be rewritten as "...radio base station becomes incapable of communication with a predetermined minimum bandwidth secured;...", see also claims 6, 22, 23 and 27.
- 4.2 The formulation "...handover control method that **switches** a radio base station..." in **claims 1, 2 and 22, 23** leads to multiple interpretations relating the kind of handover procedure meant. Therefore in examining said claims will be considered the interpretation in which the serving radio base station is not included in the set of target radio base stations to which the communication is switched.
- 4.3 The feature "...**the** minimum bandwidth..." in **claims 4, 5, 25, 26** is **not** clear since said feature has not been previously defined, neither in the said claims nor in any claim which said claim depends, in particular there is no antecedent for said feature. The feature should be rewritten as "... the predetermined minimum bandwidth secured...".
- 4.4 The features "...**said** second radio communication system...", "...**the** second radio base station..." and "...**the** second communication protocol..." in **claim 9** are **not** clear since said features have not been previously defined, neither in the said claims nor in any claim which said claims depend, in particular there are no antecedents for said features. The features should be rewritten respectively as "...a second radio communication system...", "...a second radio base station..." and "...a second communication protocol...".
- 4.5 **Claims 1, 2 and, respectively 22, 23** have been drafted as separate independent claims.

Under Article 84 in combination with Rule 29 (2) EPC an application may contain more than one independent claim in particular category **only** if the subject-matter claimed falls within one or more of the exceptional situation set out in paragraphs (a), (b) or (c) of Rule 29 (2) EPC. This is **not** the case in the present application



however.

The various disclosures of the method and the system in respective **independent claims 1, 2 and 22, 23** are such that the claims as a whole are **not concise**, contrary to Article 84 EPC. Moreover, **lack of clarity** of the claims as a whole arises, since the plurality of independent claims makes it difficult, if not impossible, to determine the matter for which protection is sought, and places an undue burden on other seeking to establish the extent of the protection.

The claims should be recast to include only the **minimum necessary number of independent claims** in any one category, Rule 29 (2) EPC, with dependent claims as appropriate, Rule 29 (4) EPC.

The applicant is requested to file an amended set of claims which complies with Rule 29 (2) EPC. Failure to do so, or to submit convincing arguments as to why the current set of claims does in fact comply with these provision, will lead to refusal of the application under Article 97 (1) EPC.

In the present case it is considered appropriate to use only two independent claims relating respectively to a method and to a system claim.

5. Regarding the **first invention** (claims 1 - 9 and 22 - 30), the Applicant should take regard to the following statements:
6. The method of **claim 1**, even if clarified as indicated in above paragraph 4.2, is not inventive for the following reasons:

Document **D1**(see the passages cited in the Search Report) discloses, according to the essential features of **claim 1** an handover control method (see abstract) that switches a radio base station (see BS 21 in figure 1) serving as a communicating counterpart of a mobile station (see MS 3 in figure 1) comprising:  
detecting (see congestion monitor unit 35 in figure 2) whether any of mobile stations communicating with the radio base station become incapable of communicating because of a traffic congestion condition entered by said radio base station (see column 5, lines 24-30; Time T<sub>1</sub> in the table on column 5); and



switching (see switch controller 12 in figure 1) the communicating counterpart (see BS 21 in figure 1), of the mobile station (see MS 3 in figure 1) that communicates with said radio base station (see BS 21 in figure 1), from said radio base station to another radio base station (see BS 23 in figure 1; table on column 5; column 5, lines 24-61).

The subject-matter of claim 1 differs from that disclosed in D1 only in that the method detects the radio base station incapacity to provide a predetermined minimum bandwidth secured.

Said predetermined minimum bandwidth secured is considered to be the bandwidth usually assigned to a voice channel in mobile communication systems.

However such a kind of monitoring action is part of the normal signal processing procedure applied in deciding for handover and is known to the person skilled in the art of handover controlling systems (see e.g. "traffic channel usage information" in the abstract of document D1).

For the skilled person, therefore, starting from the system described in document D1 and being aware of the above shortcoming, it would be obvious to apply said general knowledge principle to the system of document D1, in order to arrive at a system wherein the above shortcoming has been overcome.

The skilled person would thus arrive, **without** the exercise of inventive skill, at the handover control method corresponding to the subject-matter of claim 1.

The subject matter of claim 1 therefore does **not** involve an inventive step, Articles 52(1) and 56 EPC, and thus claim 1 is not allowable.

7. **Independent claim 2** essentially corresponds to claim 1. It differs from **independent claim 1** in that it include the possibility of handing the communication over more than one radio base station.

However this option is well known to the person skilled in the art of handover controlling systems (e.g. CDMA soft-handover) and therefor is considered to be common general knowledge.

Hence the subject-matter of claim 2 differs from that disclosed in D1 by the same



features as claim 1.

The subject matter of claim 2 therefore does **not** involve an inventive step, Articles 52(1) and 56 EPC, and thus claim 2 is not allowable.

8. The same considerations as made in above paragraph 6 and 7 regarding claim 1 and, respectively, claim 2 are also valid for **independent claims 22 and 23** since claim 22 and 23 include essentially the same features combination as claim 1 and, respectively, claim 2 in terms of system claims.

The subject matter of claims 22 and 23 therefore do **not** involve an inventive step, Articles 52(1) and 56 EPC, and thus claims 22 and 23 are not allowable..

9. Furthermore, **dependent claims 3 to 9 and 24 to 30** do not appear to contain any additional feature which, in combination with the features of any claim to which they refer, involve an inventive step for the reason that the subject-matter of said claims is either in principle derivable from the disclosure of document **D1** (see also level monitor unit 34 in figure 2 and in column 2, lines 55-60; "selecting means" in column 1, lines 33-53), or document **D2** (see abstract; page 1, lines 3-7; page 5, lines 12-27; page 7, line 23 to page 8, line 22; page 12, lines 9-19; page 13; lines 8-27; figure 2a), **or** represents simple design details which are generally known to the person skilled in the field of mobile communication systems.

Due to the above reasons, dependent claims 3 to 9 and 24 to 30 are **not allowable**, Articles 52 (1) and 56 EPC.

10. Regarding the **second invention** (claims 10 - 21 and 31 - 42), the Applicant should take regard to the following statements:
11. Document **D1**(see the passages cited in the Search Report) discloses, according to the essential features of **claim 10**, a handover control method (see abstract) that switches a radio base station (see BS 21 in figure 1) serving as a communicating counterpart of a mobile station (see MS 3 in figure 1) comprising: deciding (see congestion monitor unit 35 in figure 2) as to whether



communication of a radio base station will be in a traffic congestion condition (see column 5, lines 24-30; Time  $T_1$  in the table on column 5).

The subject-matter of claim 10 differs from that disclosed in D1 in that the method of claim 10 switches to additional base stations operating according to a predetermined standard while the established connection to the serving base station is maintained.

It would be immediately apparent to the skilled person that the method disclosed in D1 has problem in attempting to guarantee an uninterrupted reliable radio communication service during handover.

In consulting the prior art in the field of handover controlling systems, the skilled person, wishing to find a solution to overcome the above mentioned shortcoming, would come across document **D4** ( see "inter system soft handoff" in abstract; station 22A and station 22B in page 7, line 13 to page 8, line 17; figure 2) which describes a method for soft-handing over a call from a serving radio base station to a plurality of radio base station including the said serving radio base station.

For the skilled person, therefore, starting from the system described in document **D1** and being aware both of the above shortcoming and of the principle of the solution described in document **D4**, it would be obvious to apply said principle to the system of document **D1**, in order to arrive at a system wherein the above shortcoming has been overcome.

The skilled person would thus arrive, **without** the exercise of inventive skill, at the handover control method corresponding to the subject-matter of claim 10.

The subject matter of claim 10 therefore does **not** involve an inventive step, Articles 52(1) and 56 EPC, and thus claim 10 is not allowable.

12. The same considerations as made in above paragraph 10 regarding claim 10 are also valid for **independent claim 31** since claim 31 includes essentially the same feature combination as claim 10 in terms of a system claim.

The subject matter of claim 31 therefore does **not** involve an inventive step,



Articles 52(1) and 56 EPC, and hence claim 31 is not allowable.

13. Furthermore, **dependent claims 11 to 21 and 32 to 42** do not appear to contain any additional feature which, in combination with the features of any claim to which they refer, involve an inventive step for the reason that the subject-matter of said claims is either in principle derivable from the disclosure of document **D1** (see also level monitor unit 34 in figure 2 and in column 2, lines 55-60; "selecting means" in column 1, lines 33-53), or document **D3** (see abstract; CDMA or TDMA in column 4, lines 3-17; column 5, lines 4-9; step 400 in figure 4; column 5, lines 20-25; column 5, lines 27-30; figure 2;), or represents simple design details which are generally known to the person skilled in the general field of mobile communication systems.

Due to the above reasons, dependent claims 11 to 21 and 32 to 42 are **not allowable**, Articles 52 (1) and 56 EPC.

14. Should the Applicant intend to file a new set of claims, the followings requirements should also be taken into consideration:
- 14.1 To meet the requirements of Rule 29(1) EPC any new independent claim should be properly cast in the **two-part form**, with those features which in combination are part of the nearest prior art being placed in the preamble.
- 14.2 **Reference signs** in parentheses should be inserted in the claims to increase their intelligibility, Rule 29(7) EPC. This applies to both the preamble and characterising portion ( see Guidelines, C-III, 4.11).
- 14.3 To meet the requirement of Rule 27 (1) (b) EPC, the cited documents **D1, D2 and D3** should be acknowledged and briefly discussed in the opening part of the description.
- 14.4 The opening part of the description should be modified to bring it into agreement with any new independent claim, Rule 27(1)(c) EPC.



Bescheid/Protokoll (Anlage)

Communication/Minutes (Annex)

Notification/Procès-verbal (Annexe)

Datum  
Date 24.02.2004  
Date

Blatt  
Sheet 9  
Feuille

Anmelde-Nr.:  
Application No.: 00 985 943.0  
Demande n°:

15. Care should be taken during revision not to add subject-matter which extends beyond the context of the application as originally filed, Article 123 (2) EPC.

**In his letter of reply, the Applicant should indicate the parts of the originally filed application serving as a basis for subject-matter newly introduced into the claims.**

출력 일자: 2003/6/19

발송번호: 9-5-2003-022756292

수신처: 서울특별시 강남구 역삼동 823-1 풍림빌딩

발송일자: 2003.06.18

제출일자: 2003.08.18

특허법인 원전 [특허법인 원전 임석재]  
] 귀하

135-784

## 특허청 의견제출통지서

출원인 명칭 엔티티 도꼬모 인코퍼레이티드 (출원인코드: 520000329907)  
주소 일본 도쿄도 치요다쿠 나가타초 2초메 11-1

대리인 명칭 특허법인 원전  
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지정된변리사 특허법인 원전 임석재

출원번호 10-2001-7010967

발명의 명칭 핸드오버 제어 방법 및 시스템

이 출원에 대한 심사결과 아래와 같은 거절이유가 있어 특허법 제63조의 규정에 의하여 이를 통지하오니 의견이 있거나 보정이 필요할 경우에는 상기 제출기일까지 의견서[특허법시행규칙 별지 제25호의2서식] 또는/및 보정서[특허법시행규칙 별지 제5호서식]를 제출하여 주시기 바랍니다. (상기 제출 기일에 대하여 매회 1월 단위로 연장을 신청할 수 있으며, 이 신청에 대하여 별도의 기간연장승인통지는 하지 않습니다.)

### [이유]

이 출원은 특허청구범위의 기재가 아래에 지적한 바와 같이 불비하여 특허법 제42조제5항의 규정에 의한 요건을 충족하지 못하므로 특허를 받을 수 없습니다.

이 출원의 특허청구범위 전항에 기재된 발명은 그 출원전에 이 발명이 속하는 기술분야에서 통상의 지식을 가진 자가 아래에 지적한 것에 의하여 용이하게 발명할 수 있는 것이므로 특허법 제29조제2항의 규정에 의하여 특허를 받을 수 없습니다.

### [아래]

1. 본원의 청구범위 제24항 및 제25항은 '20이상의 항을 인용하는 종속항은 인용되는 항의 번호를 택일적으로 기재하여야 한다'는 청구범위의 기재 방식에 위배되며, 또한 본원의 청구범위 제6항 내지 제9항, 제13항 내지 제18항, 제20항, 제27항 내지 제30항, 제34항 내지 제39항, 제41항은 '20이상의 항을 인용하는 종속항은 20이상의 항이 인용된 다른 종속항을 인용할 수 없다'는 청구범위의 기재 방식에 위배됩니다(특허법 제42조제5항 및 동법시행령 제5조제5항 및 제6항).

2. 본원은 '이동국이 미리 정한 최저대역을 확보한 상태에서 통신을 할 수 없게 된 것을 검출하여 강제로 다른 무선 기지국으로 절체하도록 하는 핸드오버 방법 및 시스템'에 관한 것이나,

첨부된 동일 기술분야의 특개평9-135477호(1997. 05. 20: 인용참증1)는 '기지국이 폭주하는 경우 강제로 타 기지국으로 핸드오버하기 위한 이동국을 선정하는 방법'에 관한 것이고,

또한 첨부된 동일 기술분야의 특개평10-51836호(1998. 02. 20: 인용참증2)는 '강제 핸드오버의 횟수를 줄이기 위해 미리 기지국 주변의 전계 강도에 따라 주변 기지국으로 무선 자원을 분배(핸드오버)하는 이동 통신 시스템'에 관한 것인 바,

인용참증은 본원의 기술적 특징을 모두 포함하고 있으며,





[illegible]

[첨 부]

첨부2 일본공개특허공보 평10-051836호(1998.02.20) 1부 끝.

심사관 남기영

심사관 박형식

▶ 홈페이지([www.kipo.go.kr](http://www.kipo.go.kr))내 부조리신고센터



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abteilung

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Office européen  
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COPY

Datum/Date

17.02.03

Zeichen/Ref./Réf.

AER/P24876EP

Anmeldung Nr./Application No./Demande n°/Patent Nr./Patent No./Brevet n°.

00985943.0-2416-JP0009314

Anmelder/Applicant/Demandeur/Patentinhaber/Proprietor/Titulaire

NTT DoCoMo, Inc.

## COMMUNICATION

The European Patent Office herewith transmits as an enclosure the European search report for the above-mentioned European patent application.

If applicable, copies of the documents cited in the European search report are attached.

☐ Additional set(s) of copies of the documents cited in the European search report is (are) enclosed as well.

## REFUND OF THE SEARCH FEE

If applicable under Article 10 Rules relating to fees, a separate communication from the Receiving Section on the refund of the search fee will be sent later.





European Patent  
Office

SUPPLEMENTARY  
EUROPEAN SEARCH REPORT

Application Number  
EP 00 98 5943

DOCUMENTS CONSIDERED TO BE RELEVANT			
Category	Citation of document with indication, where appropriate, of relevant passages	Relevant to claim	CLASSIFICATION OF THE APPLICATION (Int.Cl.7)
X - Y  Y A  A	US 5 454 026 A (TANAKA SHOJI) 26 September 1995 (1995-09-26) * abstract *  * column 1, line 33-53 * * column 2, line 55-60 * * column 4, line 58 - column 5, line 61; figures 1,2,4 * ---	1,2,22, 23 3-9, 24-30	H04Q7/38 H04Q7/22
	WO 99 51052 A (ERICSSON TELEFON AB L M) 7 October 1999 (1999-10-07) * abstract *  * page 1, line 3-7 * * page 5, line 12-27 * * page 7, line 23 - page 8, line 22 * * page 12, line 9 - page 13, line 27; figure 2A * ---	3-9, 24-30 1,2,22, 23	
	US 5 978 679 A (AGRE DANIEL H) 2 November 1999 (1999-11-02) * abstract * * column 5, line 45 - column 7, line 44; figures 1-3 * -----	1-9, 22-30	TECHNICAL FIELDS SEARCHED (Int.Cl.7)  H04Q
The supplementary search report has been based on the last set of claims valid and available at the start of the search.			
Place of search <b>MUNICH</b>		Date of completion of the search <b>3 February 2003</b>	Examiner <b>Fantacone, V</b>
<b>CATEGORY OF CITED DOCUMENTS</b> X : particularly relevant if taken alone Y : particularly relevant if combined with another document of the same category A : technological background O : non-written disclosure P : intermediate document  T : theory or principle underlying the invention E : earlier patent document, but published on, or after the filing date D : document cited in the application L : document cited for other reasons  & : member of the same patent family, corresponding document			

FILED  
11-7-01

**ANNEX TO THE EUROPEAN SEARCH REPORT  
ON EUROPEAN PATENT APPLICATION NO.**

EP 00 98 5943

This annex lists the patent family members relating to the patent documents cited in the above-mentioned European search report.  
The members are as contained in the European Patent Office EDP file on  
The European Patent Office is in no way liable for these particulars which are merely given for the purpose of information.

03-02-2003

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